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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)	
YOR920010435US1	

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Application Number	Filed
09/943,834	August 31, 2001
First Named Inventor	
Ferreri, et al.	
Art Unit	**Examiner**
3627	Asfand M. Sheikh

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☑ attorney or agent of record.
Registration number **53,352**

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

/Duane N. Moore/
Signature

Duane N. Moore
Typed or printed name

(410) 573-6501
Telephone number

April 24, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Tradeamrk Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:
Ferreri, et al. Atty. Docket No.: YOR920010435US1

Serial No.: 09/943,834 Group Art Unit: 3627

Filed: August 31, 2001 Examiner: Sheikh, Asfand M.

For: FORECASTING DEMAND FOR CRITICAL PARTS IN A PRODUCTLINE

ATTACHMENT TO PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This pre-appeal brief request is being submitted together with a notice of appeal and is in response to the Office Action mailed February 27, 2007, setting a three-month statutory period for response. Therefore, this request is timely filed. Claims 1, 5-6, 8-9, 13, 17-19, and 23-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada (U.S. Patent No. 5,796,614), in view of Costanza (U.S. Patent No. 6,594,535). Claims 2, 14, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada, in view of Costanza, in further view of Kawashima, et al. (U.S. Patent No. 5,168,445), hereinafter referred to as Kawashima. Claims 4, 11, 16, and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Yamada, in view of Costanza, in further view of Horne (U.S. Patent No. 7,058,587). Applicants respectfully traverse these rejections based on the following discussion.

Applicants respectfully traverse these rejections because the rejections contain a clear error. Specifically, the references miss the claim element of "performing a minimum profile technique that removes all ordering parameters including order minimums, order maximums, leadtimes, transit times, and order sizing".

The claimed invention provides a method of forecasting component requirements for devices being manufactured, comprising performing a minimum profile technique that removes all ordering parameters including order minimums, order maximums, leadtimes, transit times, and order sizing. In the rejection, the Office Action argues that the equation 6 of Costanza "is a min-profile process". **However, Costanza does not teach a process that *removes* all ordering parameters. Instead, the asserted "min-profile process" of Costanza utilizes the "quantity" ordering parameter.**

Applicants traverse the rejections because the prior art of record miss the claimed element of "performing a minimum profile technique that removes all ordering parameters including order minimums, order maximums, leadtimes, transit times, and order sizing". Such features are defined in independent claims 1, 8, 13, and 19.

The Office Action argues that Costanza teaches a minimum profile technique. More specifically, "[t]he examiner notes that equation 6 is a min-profile process" (Office Action, p. 4, para. 1 (citing Costanza, col. 21, lines 17-19)). However, Applicants submit that the asserted "min-profile process" of Costanza (i.e., equation 6) is not a process that "removes all ordering parameters including order minimums, order maximums, leadtimes, transit times, and order sizing" (independent claims 1, 8, 13, and 19). Instead, the asserted "min-profile process" of Costanza utilizes the "quantity" ordering parameter.

More specifically, equation 6 of Costanza is utilized to determine "[t]he total amount of a material required to produce the amount of product ordered in a sales order" (Costanza, col. 21, lines 14-16). In order to determine this amount, equation 6 utilizes two parameters. The first parameter is the "order *quantity*" (Costanza, col. 21, line 19 (emphasis added)).

Therefore, **equation 6 utilizes the ordering parameter "order quantity"; and as such, the asserted min-profile process of Costanza does not teach "remov[ing] all ordering parameters including order minimums, order maximums, leadtimes, transit times, and order sizing" (independent claims 1, 8, 13, and 19).**

To the contrary, as described in paragraphs 0035 – 0036 of Applicants' disclosure, to make the component forecast more easily understood in actual volumes, a "min-profile" technique is used to remove all ordering parameters, which tend to distort the actual needs with order sizes, minimums, maximums, etc. MRP (Materials Requirement Planning) programs use many explode parameters, such as leadtime, transit time, order sizing, etc. Leadtimes and Transit times offset the demands for all components, thus making their demand earlier in time to compensate for the time it takes to build and transport parts. These offset days, at multiple levels, will vary depending on the supplier location and type of transportation used, thereby more accurately tracking true demand and impact from top schedule changes. In addition, order sizing parameters group the demand at all levels to provide an economical purchase quantity. A component's physical size as well as it's dollar value will affect the lot size quantities. Typically, large or high dollar parts will be packaged in smaller order size quantities, as the inventory costs are greater. When making a parameter change, many other variables are affected in determining the calculated parts requirements.

Therefore, in one embodiment, the invention provides the min-profile feature to create the ability to play "what if" scenarios. The min-profile feature provides the ability to turn off all the optional parameters, and only utilize the minimal required parameters (min-profile) for the MRP explode. The min-profile process provides the users with a better understanding of the effects of machine build plan changes or parameter changes on components lower in the BOM (Bill of Material) structure. This is done by reviewing the existing machine build plan dates and quantities 200, reviewing the total requirements (exploded through the structure) of a particular part number 202, changing the machine build plan quantities or another parameter, and reviewing the critical part number which was previously calculated. This allows the net quantity change to be more clearly understood. This is particularly important, for parts that are constrained or have excess inventory.

Accordingly, Applicants submit that the rejections contain a clear error. Specifically, the prior art of record miss the claimed element of a minimum profile technique that removes ordering parameters. The asserted min-profile process of Costanza utilizes the ordering parameter “order quantity”. Therefore, it is Applicants’ position that Costanza fails to teach or suggest the claimed feature of “performing a minimum profile technique that removes all ordering parameters including order minimums, order maximums, leadtimes, transit times, and order sizing” as defined by independent claims 1, 8, 13, and 19.

Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 50-0510.

Respectfully submitted,

Dated: April 24, 2007

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